

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**ACADEMY OF ALLERGY & ASTHMA  
IN PRIMARY CARE; and UNITED  
BIOLOGICS, LLC d/b/a United Allergy  
Services,**

**Plaintiffs,**

**V.**

**SUPERIOR HEALTHPLAN, INC.; and  
CENTENE CORP.,**

**Defendants.**

**CIVIL NO. SA-17-CA-1122-FB (HJB)**

**ORDER ACCEPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Before the Court is the Report and Recommendation of United States Magistrate Judge (docket no. 180) concerning the motion to dismiss claims (docket no. 146) filed by defendant Centene Corporation ("Centene"), along with Centene's written objections (docket no. 181) thereto, plaintiffs' response (docket no. 187) to Centene's objections, and Centene's reply (docket no. 189) in support of its objections.

Where no party has objected to a Report and Recommendation of United States Magistrate Judge, the Court need not conduct a de novo review of the Report and Recommendation. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only review the Report and Recommendation and determine whether it is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989).


On the other hand, any Report and Recommendation to which objection is made requires de novo review by the Court. Such a review means that the Court will examine the entire record, and will make an independent assessment of the law. The Court need not, however, conduct a de novo review when the objections are frivolous, conclusive, or general in nature. *Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).

The Court has thoroughly analyzed the parties' submissions in light of the entire record. As required by Title 28 U.S.C. § 636(b)(1)(c), the Court has conducted an independent review of the entire record in this cause and has conducted a de novo review with respect to those matters raised by the objections. After due consideration, the Court concludes the objections lack merit.

IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge (docket no.180) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that the Motion to Dismiss Claims Against Centene Corporation (docket no. 146) is DENIED.

It is so ORDERED.

SIGNED this 15th day of December, 2020.

  
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FRED BIERY  
UNITED STATES DISTRICT JUDGE